

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-1776 (JRT/HB)

This Document Relates to:

ALL CONSUMER INDIRECT
PURCHASER ACTIONS

**DECLARATION OF BRIAN D.
PENNY IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES
AND LITIGATION EXPENSES
SUBMITTED ON BEHALF OF
GOLDMAN SCARLATO & PENNY,
P.C.**

I, Brian D. Penny, hereby declare and state as follows:

1. I am a partner in the law firm of Goldman Scarlato & Penny, P.C. I submit this declaration in support of Plaintiffs' Motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in the above-captioned action (the "Action"). I make this declaration based on my personal knowledge and if called as a witness, I could and would competently testify to the matters stated herein.

2. My firm and I serve as Counsel in this matter for Plaintiffs.

3. Attached hereto as **Exhibit 1** is my firm's total hours and lodestar, computed at current rates, for the period from inception of the case through June 30, 2021. The total number of hours spent by my firm during this time period was 10.4 hours

with a corresponding current lodestar of \$7,540.00.¹ This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by the firm. The lodestar amount reflected in **Exhibit 1** is for work assigned by Plaintiffs' Co-Lead Counsel and was performed by professional staff at my law firm for the benefit of the Class/Plaintiffs during the aforementioned time period. In preparing this time I followed Lead Counsel's protocol for time keeping and assignments and have audited my time to comply with that protocol. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates charged by my firm in similar complex litigation matters.

4. My firm has expended a total of \$13.30 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including June 30, 2021. These costs and expenses are set forth in the chart attached as **Exhibit 2** and reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 5, 2021, in Conshohocken, Pennsylvania.

s/ Brian D. Penny
Brian D. Penny

¹ Such time does not include any time expended in completing this declaration.

EXHIBIT 1**GOLDMAN SCARLATO & PENNY, P.C.****Reported Hours and Lodestar**

Inception through June 30, 2021

Timekeeper	Professional Status	Hours	Current Rate	Total Lodestar
Mark Goldman	P	1.5	\$725.00	\$1,087.50
Brian Penny	P	8.9	\$725.00	\$6,452.50
Grand Total		10.4		\$7,540.00

Role Legend

P Partner/Shareholder
 OC Of Counsel
 A Associate
 LC Law Clerk
 PL Paralegal
 I Investigator
 SA Staff Attorney
 CA Contract Attorney

Exhibit 2**GOLDMAN SCARLATO & PENNY, P.C.****Expenses Incurred**

Inception through June 30, 2021

Expense Category	Amount Incurred
Electronic Research (Lexis/Westlaw/PACER)	\$13.30
Court Costs – Filing Fees	
Litigation Fund Contribution	
Express Delivery/Messengers	
Photocopies – In House	
Photocopies - Outside	
Postage	
Service of Process Fees	
Telephone / Fax	
Transportation / Meals / Lodging	
Experts/Consultant Fees	
Court Reporter Service/Hearing Transcript Fees	
TOTAL EXPENSES	\$13.30